HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:23717 OF 2007

Dated: 07.11.2007

Between:

1. The Principal Secretary to Government of A.P., Finance & Plg. (FW.Pen.I) Department, Secretariat Hyderabad and others.

..Petitioners

And

Hafeez.

.Respondent.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&

HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:23717 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

This is a writ petition filed by the petitioners challenging the order of the tribunal, dated 4.5.2006 in O.A.No.2308 of 2006.

The respondent herein is the applicant before the tribunal. He filed the above O.A. seeking to strike down Rule 2 (f) (3) of the A.P. Revised pension Rules, 1980 by declaring the same as irrational and violative of Art. 14 of the Constitution of India and consequently, to hold that he is entitled for the pensionary benefits under A.P. Revised Pension Rules, 1980.

The tribunal having observed that Rule 2 (f) (3) of the Revised Pension Rules providing flat rate of pension of Rs.20/- per month is highly discriminatory and opposed to Articles 14 and 16 of the Constitution of India, and having kept the principles laid down by the Apex Court in *D.S. Nakara Vs. Union of India*[1], quashed Rule 2 (f) (3) of the Revised Pension Rules and directed the respondents to grant pension in terms of Revised Pension rules 1980 from the date of retirement of the applicant and pay all the arrears within three months from the date of receipt of the order. Having aggrieved by the same, the respondent-authorities preferred the present writ petition.

Heard and perused the material available on record.

Before going into the merits of the case, it is pertinent to note that the fact that remains undisputed is that the applicant was fixed in the time scale of Rs.175-8-225-9-300 with effect from 2.2.1977 and he

was retired from service on 31.1.1996. There is also no dispute as to the earlier round of litigation in O.A.No.492 of 1998 where under the respondents-writ petitioners were directed to examine the pension proposals of the applicant in the light of G.O.Ms.No.107, dated 1.2.1997. But subsequently, the respondents-writ petitioners rejected the claim of the applicant for pension in the light of Rule 2 (f) (3) of the Revised Pension Rules, which provides only Rs.20/- per month as per G.O.Ms.No.656, dated 10.6.1986.

Considering the facts and circumstances of the case and the services rendered by the applicant from the year 1977 onwards as well as the nature of the post held by the applicant at the time of retirement and the present standard of living of a man in the society and in view of the guidelines laid down by the apex Court in the above citation, We feel that the tribunal is justified in quashing the Rule in question while directing the respondents-writ petitioners. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date: 7.11.2007
Gurc/nn

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:23717 OF 2007
(Order delivered by the Hon'ble Smt Justice T. Meena Kumari)

07/11/2007

[1] 1983 (1) SCC 301